

AMENDED IN ASSEMBLY SEPTEMBER 8, 2009

AMENDED IN ASSEMBLY SEPTEMBER 3, 2009

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AMENDED IN SENATE MAY 4, 2009

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 19

Introduced by Senator Simitian

(Principal coauthor: Senator Romero)

**(~~Coauthors: Senators Alquist and Wyland~~ Coauthor: Senator
Alquist)**

*(Coauthors: Assembly Members Arambula, Brownley, Buchanan,
Carter, Eng, Bonnie Lowenthal, Solorio, and Torlakson)*

December 1, 2008

An act to amend Sections 10601, 10601.5, 10802, 10804, and 60900 of the Education Code, and to add Section 1095.2 to the Unemployment Insurance Code, relating to education data.

LEGISLATIVE COUNSEL'S DIGEST

SB 19, as amended, Simitian. Education data.

(1) Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System (CALPADS) and the California Longitudinal Teacher Integrated Data Education System (CALTIDES). Existing law requires that data elements and codes included in the California Education Information System be maintained in compliance with specified provisions of law.

This bill would additionally require that data elements and codes included in the California Education Information System be maintained in compliance with any other applicable federal or state law that can be interpreted as protecting the privacy and confidentiality of individual pupils or certificated personnel.

(2) Existing law prohibits data in CALTIDES from being used either solely or in conjunction with data from CALPADS for purposes of pay, promotion, sanction, or personnel evaluation of an individual teacher or groups of teachers, or any other employment decisions related to individual teachers.

This bill would delete this prohibition. The bill would prohibit data in CALTIDES from being used in violation of any federal or state law that is intended to protect an individual's right to privacy or the confidentiality of an individual's personal information. ~~The bill would require the Employment Development Department to make specified wage record system information available to the Commission on Teacher Credentialing for the purposes of CALTIDES, as provided.~~

(3) Existing law requires the State Chief Information Officer to convene a working group representing specified entities to create a strategic plan to link education data systems and to accomplish specified objectives relating to the accessibility of education data. The State Chief Information Officer is required to deliver this strategic plan to the Legislature and the Governor no later than September 1, 2009.

This bill would require the plan to identify specific procedures and policies that would facilitate the sharing and transfer of data, and would change the date the plan is required to be delivered to the Legislature and the Governor to January 1, 2010. The bill additionally would authorize these provisions to be implemented using federal grant funds received pursuant to the American Recovery and Reinvestment Act of 2009 through that act's provision of funds for statewide data systems under the federal Education Technical Assistance Act.

(4) Existing law requires the State Department of Education under CALPADS to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data. Existing law requires local educational agencies to retain individual pupil records for each test taker, including other data elements deemed necessary by the Superintendent, with approval of the State Board of Education, to comply with federal reporting requirements delineated in the federal No Child Left Behind Act of 2001.

This bill would, prior to the implementation of these provisions with respect to adding data elements to CALPADS for the purpose of complying with the American Recovery and Reinvestment Act of 2009, require the department to submit an expenditure plan to the Department of Finance, as specified. The bill would require the Department of Finance to provide to the Joint Legislative Budget Committee a copy of the plan within 10 days of receipt.

The bill also would make technical and clarifying changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10601 of the Education Code is amended
2 to read:
3 10601. (a) There has been developed by the department the
4 California Education Information System, hereinafter in this
5 chapter called “the system.” The function of the system is to
6 establish, conduct, and by continuous concern keep up to date a
7 basic, integrated, statewide information system for education.
8 (b) The system includes both of the following:
9 (1) The California Longitudinal Pupil Achievement Data System
10 pursuant to Chapter 10 (commencing with Section 60900) of Part
11 33, which maintains pupil data regarding demographic, program
12 participation, enrollment, and statewide assessments, in addition
13 to data contained in the California Basic Educational Data System,
14 including certificated staff information collected through the
15 Professional Assignment Information Form prepared by the
16 department.
17 (2) The California Longitudinal Teacher Integrated Data
18 Education System developed pursuant to Section 10601.5, which
19 enables analysis of workforce trends, evaluation of teacher
20 preparation programs, and the monitoring of teacher assignments.
21 The California Longitudinal Teacher Integrated Data Education
22 System shall maintain data regarding the certificated workforce
23 that is not maintained in the California Longitudinal Pupil
24 Achievement Data System and consolidate data that is collected
25 by state agencies and local educational agencies.
26 (c) Data elements and codes included in the system shall be
27 maintained in compliance with all of the following:

1 (1) Chapter 6.5 (commencing with Section 49060) of Part 27
2 and any regulations adopted pursuant thereto.

3 (2) Section 49602.

4 (3) Section 56347.

5 (4) The Information Practices Act of 1977 (Chapter 1
6 (commencing with Section 1798) of Title 1.8 of Part 4 of Division
7 3 of the Civil Code).

8 (5) The federal Family Educational Rights and Privacy Act of
9 1974 (20 U.S.C. Sec. 1232g) and any federal regulations adopted
10 pursuant thereto.

11 (6) Any other applicable federal or state law that can be
12 interpreted as protecting the privacy and confidentiality of
13 individual pupils or certificated personnel.

14 (d) The department shall adopt regulations to implement this
15 section.

16 SEC. 2. Section 10601.5 of the Education Code is amended to
17 read:

18 10601.5. (a) The department, in collaboration with the
19 Commission on Teacher Credentialing, shall contract for the
20 development of a teacher data system to be known as the California
21 Longitudinal Teacher Integrated Data Education System that is
22 based on the results of the teacher data system feasibility study
23 conducted pursuant to Item 6110-001-0890 of Section 2.00 of the
24 Budget Act of 2005 (Chapter 38 of the Statutes of 2005). The
25 purpose of the California Longitudinal Teacher Integrated Data
26 Education System is to streamline processes, improve the efficiency
27 of data collection by the department, the Commission on Teacher
28 Credentialing, and the Employment Development Department,
29 and improve the quality of data collected from local educational
30 agencies and teacher preparation programs. The California
31 Longitudinal Teacher Integrated Data Education System shall be
32 developed and implemented in accordance with all state rules and
33 regulations governing information technology projects.

34 (b) The California Longitudinal Teacher Integrated Data
35 Education System shall serve as the central state repository of
36 information regarding the teacher workforce in the state for
37 purposes of developing and reviewing state policy, identifying
38 workforce trends, and identifying future needs regarding the
39 teaching workforce. It shall also serve to provide high-quality
40 program evaluations, including evaluation of the effectiveness of

1 teacher preparation and induction, and to help improve professional
2 development programs. Additionally, it shall promote the efficient
3 monitoring of teacher assignments as required by state and federal
4 law.

5 (c) The California Longitudinal Teacher Integrated Data
6 Education System shall not include the names, social security
7 numbers, home addresses, telephone numbers, or e-mail addresses
8 of individual teachers.

9 (d) Data in the California Longitudinal Teacher Integrated Data
10 Education System shall not be used in violation of any federal or
11 state law that is intended to protect an individual's right to privacy
12 or the confidentiality of an individual's personal information.

13 (e) The system shall be used to accomplish all of the following
14 goals:

15 (1) Provide a means to evaluate all of the following:

16 (A) The effectiveness of teacher preparation programs,
17 including, but not limited to, traditional fifth-year programs,
18 university internship programs, and district-sponsored internship
19 programs.

20 (B) Teacher workforce issues, including mobility, retention,
21 and attrition.

22 (2) Streamline and improve the effectiveness and timeliness of
23 assignment monitoring as required by the federal No Child Left
24 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and by state law.

25 (3) Enable local educational agencies to monitor teacher
26 assignments on demand.

27 (f) For purposes of implementing this chapter, including the
28 legislative intent expressed in subdivision (b) of Section 10600,
29 the system shall include all of the following information:

30 (1) Age profiles of teachers in the workforce.

31 (2) Projections of the number of retirees in the education system
32 over the next 10 years throughout the state.

33 (3) Identification of subject matter fields that have the severest
34 shortage of teachers.

35 (4) Geographic distribution of teachers by credential type.

36 (5) Present patterns of in-service education for teachers.

37 (g) The Commission on Teacher Credentialing and accredited
38 teacher preparation programs shall participate in the system by
39 providing available data regarding enrollment in credential
40 programs, credentials issued in each specialization, and certificated

1 persons in each specialty who are not employed in education, and
2 by collaborating with the department in the design and preparation
3 of periodic reports of teacher supply and demand in each specialty
4 and in each geographic region of the state.

5 (h) The California Longitudinal Teacher Integrated Data
6 Education System shall do all of the following:

7 (1) Utilize and maximize use of existing teacher databases.

8 (2) Maintain longitudinally linked data without including the
9 names of teachers.

10 (3) Comply with all state and federal confidentiality and privacy
11 laws.

12 (i) The Superintendent shall convene a working group to provide
13 advice and guidance on the development and implementation of
14 the system. The group shall include, but is not limited to,
15 representatives from the Commission on Teacher Credentialing,
16 the Department of Finance, the Secretary for Education, the
17 Legislative Analyst's Office, the Employment Development
18 Department, and representatives of local educational agencies,
19 postsecondary educational institutions, researchers, teachers,
20 administrators, and parents.

21 (j) The operation of the California Longitudinal Teacher
22 Integrated Data Education System is contingent upon the
23 appropriation of funds for purposes of this section in the annual
24 Budget Act or other legislation.

25 SEC. 3. Section 10802 of the Education Code is amended to
26 read:

27 10802. The department shall establish a process by which local
28 educational agencies issue, maintain, and report information using
29 the unique statewide pupil identifiers specified in paragraph (3)
30 of subdivision (e) of Section 60900 for state and federally funded
31 center-based child care and development programs under their
32 purview. Except to the extent required by federal law, or as needed
33 to ensure compliance with federal law, the department shall not
34 require these center-based child care and development programs
35 to implement or maintain unique pupil identifiers specified in
36 paragraph (3) of subdivision (e) of Section 60900 until an
37 appropriation for this purpose is provided in the annual Budget
38 Act or another statute.

39 SEC. 4. Section 10804 of the Education Code is amended to
40 read:

1 10804. (a) The State Chief Information Officer appointed
2 pursuant to Section 11545 of the Government Code shall convene
3 a working group representing, at a minimum, the state board, the
4 Superintendent, the Chancellor of the California Community
5 Colleges, the University of California, the California State
6 University, and any other governmental entities that collect, report,
7 or use individual pupil education data that would become part of
8 the comprehensive education data system. The State Chief
9 Information Officer shall form an advisory committee to the
10 working group that includes school and district administrators,
11 teachers and faculty, education program providers, policymakers,
12 researchers, parents, and pupils.

13 (b) The working group convened pursuant to this section shall
14 create a strategic plan to link education data systems from all
15 segments and to accomplish all of the following:

16 (1) Provide an overall structural design for the linked education
17 data systems.

18 (2) Examine current state education data systems.

19 (3) Examine the protocols and procedures to be used by state
20 agencies in data processing, including, but not limited to,
21 collecting, storing, manipulating, sharing, retrieving, and releasing
22 data so as to enable each state agency to accurately and efficiently
23 collect and share data with the other state agencies while complying
24 with all applicable state and federal privacy laws.

25 (4) Identify specific procedures and policies that would be
26 necessary to ensure the privacy of pupil record information so as
27 to meet both federal requirements and the higher expectations of
28 privacy held by the state.

29 (5) Identify specific procedures and policies that would facilitate
30 the sharing and transfer of data from one segment to another and
31 ultimately to include linkages to workforce data.

32 (c) The strategic plan shall be delivered by the State Chief
33 Information Officer to the Legislature and the Governor on or
34 before January 1, 2010.

35 (d) This section may be implemented using federal grant funds
36 received pursuant to the American Recovery and Reinvestment
37 Act of 2009 (Public Law 111-5) through that act's provision of
38 funds for statewide data systems under the federal Education
39 Technical Assistance Act (20 U.S.C. Sec. 9601 et seq.).

1 SEC. 5. Section 60900 of the Education Code is amended to
2 read:

3 60900. (a) The department shall contract for the development
4 of proposals which will provide for the retention and analysis of
5 longitudinal pupil achievement data on the tests administered
6 pursuant to Chapter 5 (commencing with Section 60600), Chapter
7 7 (commencing with Section 60810), and Chapter 9 (commencing
8 with Section 60850). The longitudinal data shall be known as the
9 California Longitudinal Pupil Achievement Data System.

10 (b) The proposals developed pursuant to subdivision (a) shall
11 evaluate and determine whether it would be most effective, from
12 both a fiscal and a technological perspective, for the state to own
13 the system. The proposals shall additionally evaluate and determine
14 the most effective means of housing the system.

15 (c) The California Longitudinal Pupil Achievement Data System
16 shall be developed and implemented in accordance with all state
17 rules and regulations governing information technology projects.

18 (d) The system or systems developed pursuant to this section
19 shall be used to accomplish all of the following goals:

20 (1) To provide school districts and the department access to
21 data necessary to comply with federal reporting requirements
22 delineated in the federal No Child Left Behind Act of 2001 (20
23 U.S.C. Sec. 6301 et seq.).

24 (2) To provide a better means of evaluating educational progress
25 and investments over time.

26 (3) To provide local educational agencies information that can
27 be used to improve pupil achievement.

28 (4) To provide an efficient, flexible, and secure means of
29 maintaining longitudinal statewide pupil level data.

30 (e) In order to comply with federal law as delineated in the No
31 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the
32 local educational agency shall retain individual pupil records for
33 each test taker, including all of the following:

34 (1) All demographic data collected from the STAR Program
35 test, high school exit examination, and English language
36 development tests.

37 (2) Pupil achievement data from assessments administered
38 pursuant to the STAR Program, high school exit examination, and
39 English language development testing programs. To the extent

feasible, data should include subscore data within each content area.

(3) A unique pupil identification number to be identical to the pupil identifier developed pursuant to the California School Information Services, which shall be retained by each local educational agency and used to ensure the accuracy of information on the header sheets of the STAR Program tests, high school exit examination, and the English language development test.

(4) All data necessary to compile reports required by the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), including, but not limited to, dropout and graduation rates.

(5) Other data elements deemed necessary by the Superintendent, with approval of the state board, to comply with the federal reporting requirements delineated in the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), after review and comment by the advisory board convened pursuant to subdivision (h).

Prior to the implementation of this paragraph with respect to adding data elements to the California Longitudinal Pupil Achievement Data System for the purpose of complying with the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the department shall submit an expenditure plan to the Department of Finance detailing any administrative costs to the department and costs to any local educational agency, if applicable. The Department of Finance shall provide to the Joint Legislative Budget Committee a copy of the expenditure plan within 10 days of receipt of the expenditure plan from the department.

(f) The California Longitudinal Pupil Achievement Data System shall have all of the following characteristics:

(1) The ability to sort by demographic element collected from the STAR Program tests, high school exit examination, and English language development test.

(2) The capability to be expanded to include pupil achievement data from multiple years.

(3) The capability to monitor pupil achievement on the STAR Program tests, high school exit examination, and English language development test from year to year and school to school.

(4) The capacity to provide data to the state and local educational agencies upon their request.

1 (g) Data elements and codes included in the system shall comply
2 with Sections 49061 to 49079, inclusive, and Sections 49602 and
3 56347, with Sections 430 to 438, inclusive, of Title 5 of the
4 California Code of Regulations, with the Information Practices
5 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
6 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
7 Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g),
8 Section 1242h of Title 20 of the United States Code, and related
9 federal regulations.

10 (h) The department shall convene an advisory board consisting
11 of representatives from the state board, the Secretary for Education,
12 the Department of Finance, the State Privacy Ombudsman, the
13 Legislative Analyst's Office, representatives of parent groups,
14 school districts, and local educational agencies, and education
15 researchers to establish privacy and access protocols, provide
16 general guidance, and make recommendations relative to data
17 elements. The department is encouraged to seek representation
18 broadly reflective of the general public of California.

19 (i) Subject to funding being provided in the annual Budget Act,
20 the department shall contract with a consultant for independent
21 project oversight. The Director of Finance shall review the request
22 for proposals for the contract. The consultant hired to conduct the
23 independent project oversight shall twice annually submit a written
24 report to the Superintendent, the state board, the advisory board,
25 the Director of Finance, the Legislative Analyst, and the
26 appropriate policy and fiscal committees of the Legislature. The
27 report shall include an evaluation of the extent to which the
28 California Longitudinal Pupil Achievement Data System is meeting
29 the goals described in subdivision (d) and recommendations to
30 improve the data system in ensuring the privacy of individual pupil
31 information and providing the data needed by the state and school
32 districts.

33 (j) This section shall be implemented using federal funds
34 received pursuant to the No Child Left Behind Act of 2001 (20
35 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of
36 this section in Item 6110-113-0890 of Section 2.00 of the Budget
37 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
38 these funds is contingent on approval of an expenditure plan by
39 the Department of Finance.

(k) For purposes of this chapter, a local educational agency shall include a county office of education, a school district, or charter school.

~~SEC. 6. Section 1095.2 is added to the Unemployment Insurance Code, to read:~~

~~1095.2. Wage record system information contained in the records of the department, which is necessary for purposes of implementing the California Longitudinal Teacher Integrated Data Education System pursuant to Section 10601.5 of the Education Code, shall be made available to the Commission on Teacher Credentialing.~~